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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,940	01/04/2002	Tatsuo Nomura	70904/56,872	7762

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EXAMINER

GIBBS, HEATHER D

ART UNIT	PAPER NUMBER
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2625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/037,940

Applicant(s)

NOMURA ET AL.

Examiner

Heather D. Gibbs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date 01/03/07
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Interview Summary, held December 7, 2006, with respect to Claims 5-27 have been fully considered and are persuasive. The final rejection of October 2, 2006 has been withdrawn.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 5-27 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 7,173,724.

Although the conflicting claims are not identical, they are not patentably distinct from

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each other because of claim 5, Nomura teaches An image processing apparatus, comprising: a printer unit 2 equipped with a user interface section having a first display section; and a scanner unit 3 equipped with a user interface section having a second display section, wherein said user interface of said printer unit and said user interface section of said scanner unit are arranged such that in response to a command entered by one of these user interface sections, the other user interface section changes its display state (Col 6 Lines 27-30; Fig 2; Col 9 Lines 24-33; Col 10 Lines 22-24).

Considering claim 6, Nomura discloses The image processing apparatus as set forth in claim 5, wherein: said user interface section of said printer unit and said user interface section of said scanner unit are arranged such that when either one of these user interface sections displays information regarding a processing of image data, the other user interface section is in non-display state (Col 10 Lines 29-33).

For claim 7, Nomura teaches The image processing apparatus as set forth in claim 5, wherein: said user interface section of said scanner unit is used in displaying information regarding a processing of image data and entering commands regarding the processing of image data, for both said printer unit and said scanner unit (Col 10 Lines 24-29).

Considering claim 8, Nomura teaches The image processing apparatus as set forth in claim 5, wherein: in response to a command entered by said user interface section of said scanner unit, said user interface section of said printer unit changes its display state (Col 17 Lines 38-43).

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For claim 9, Nomura teaches The image processing apparatus as set forth in claim 8, wherein: when a command to execute a processing to be performed by said printer unit is entered by said user interface section of said scanner unit, said user interface section of said printer unit displays information regarding contents of the command (Col 17 Lines 60-67).

For claim 10, Nomura teaches an independently operable scanner unit equipped with a display section and a display control section; an independently operable printer unit equipped with a display section and a display control section, wherein said scanner unit and said printer unit are provided as separate members; and said display control sections of said scanner unit and said printer unit cooperatively control said display sections of said scanner unit and said printer unit such that: in an independent use of said printer unit, said display section of said printer unit is set to be effective, and in a combined use of said printer unit and said scanner unit, said display section of said printer unit is set to be effective if a predetermined condition is satisfied, and if not, only said display section of said scanner unit is set to be effective in displaying information regarding the combined use of said printer unit and said scanner unit (Col 6 Lines 27-30; Fig 2; Col 9 Lines 24-33; Col 10 Lines 22-24).

For claim 11, Nomura teaches The image processing device as set forth in claim 10, wherein: said display section of said scanner unit is a large size display unit capable of displaying graphics (Col 10 Lines 20-25).

Regarding claim 12, Nomura discloses The image processing apparatus as set forth in claim 10, said printer unit includes a shielding member for shielding said display

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section to be invisible by a user when said display control section controls said display section of said printer unit to be ineffective (See Fig 2).

For claim 13, Nomura teaches The image processing apparatus as set forth in claim 10, said predetermined condition is that information to be displayed in said printer unit is different from the information regarding the combined use of said printer unit and said scanner unit (Col 10 Lines 29-33).

For claim 14, Nomura teaches The image processing apparatus as set forth in claim 10, wherein: said predetermined condition is that some failure has occurred in said scanner unit or in any other unit to be used in combination with said printer unit, and said display control section controls said display section of said printer unit to display a state of the failure occurred in said scanner unit or in any other unit (Col 16 Lines 30-33).

Regarding claim 15, Nomura teaches The image processing apparatus as set forth in claim 10, further comprising: an input section for said display section of said scanner unit and an input section for said display section of said printer unit, wherein said display control section of said scanner unit permits an input operation by said input section of said scanner unit when said display section of said scanner unit is effective; and said display control section of said printer unit permits an input operation by said input section of said printer unit when said display section of said printer unit is effective (Col 15 Lines 19-38).

For claim 16, Nomura discloses The image processing apparatus as set forth in claim 15, wherein: said predetermined condition is that an input operation is performed

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by said input section of said printer unit, and said display control section of said printer unit controls said display section of said printer unit to display information regarding said printer unit (Col 10 Lines 20-24).

Regarding claim 17, Nomura teaches The image processing apparatus as set forth in claim 10, wherein: said predetermined condition is that a failure has occurred in said scanner unit, and said display control section of said printer unit controls said display section of said printer unit to display a state of said scanner unit (Col 16 Lines 30-33).

For claim 18, Nomura teaches The image processing apparatus as set forth in claim 17, said display control section of said printer unit controls said display section of said printer unit to display the state of said scanner unit and the state of said printer unit alternately (Col 16 Lines 34-45).

Considering claim 19, Nomura discloses An image processing apparatus, comprising: an independently operable scanner unit equipped with a display section; an independently operable printer unit equipped with a display section, wherein said scanner unit and said printer unit are provided as separate members, said display section of said scanner unit is a large size display unit capable of displaying graphics, said display section being provided on a front surface side of said scanner unit; said display section of said printer unit is provided on an upper surface on a back surface side of said printer unit; and in a combined use of said printer unit and said scanner unit, said scanner unit is provided above said printer unit, and said display section of said

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printer unit is invisible by a user (Col 6 Lines 27-30; Fig 2; Col 9 Lines 24-33; Col 10 Lines 22-24).

Considering claim 20, Nomura teaches An image processing apparatus, comprising: an image processing section for carrying out a processing of image data; and a plurality of user interface sections for displaying information regarding said processing of image data and for entering inputs on said processing of image data, wherein said plurality of user interface sections are arranged such that in response to an operation input entered by a specific user interface section, other user interface section(s) than said specific user interface section change(s) its (their) input acceptance state(s) (Col 6 Lines 27-30; Fig 2; Col 9 Lines 24-33; Col 10 Lines 22-24; Col 14 Lines 52-67).

For claim 21, Nomura discloses The image processing apparatus as set forth in claim 20, wherein: said plurality of user interface sections are arranged such that input acceptance of said other user interface section(s) than the specific user interface section is validated in response to the operation input entered by said specific user interface section (Col 14 Lines 51-67).

Regarding claim 22, Nomura teaches The image processing apparatus as set forth in claim 21, wherein: said plurality of user interface sections are arranged such that in response to the operation input entered by said specific user interface section, an input entering right allowing for acceptance of the operation input is transferred from the specific user interface section to said other user interface section(s) than the specific user interface section (Col 14 Lines 51-67).

Regarding claim 23, Nomura discloses The image processing apparatus as set forth in claim 22, wherein: said plurality of user interface sections are arranged such that in response to operation input(s) entered by said other user interface section(s) than the specific user interface section, the input entering right is transferred back to the specific user interface section (Col 14 Lines 52-67).

Considering claim 24, Nomura teaches The image processing apparatus as set forth in claim 20, wherein: said plurality of user interface sections are arranged such that in response to the operation input entered by said specific user interface section, input acceptance of said other user interface section(s) than the specific user interface section is validated and input acceptance of the specific user interface section is invalidated (Col 14 Lines 52-67).

For claim 25, Nomura teaches The image processing apparatus as set forth in any one of claims 21 through 24, wherein: said plurality of user interface sections are arranged such that while changing the input acceptance state(s) of said other user interface section(s) than the specific user interface section, a display state of at least one user interface section is changed (Col 14 Lines 52-67).

Regarding claim 26, Nomura discloses An image processing apparatus, comprising: a first image processing section, for carrying out a processing of image data, including a first display section; at least one second image processing section, for carrying out a processing of image data, including at least one second display section; and a plurality of user interface sections corresponding to the first display section and the at least one second display section for entering commands on said processing of

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image data, wherein said first and second display sections are arranged such that in response to a command entered at the user interface section corresponding to the first display section, a display state of the second display section is changed (Col 6 Lines 27-30; Fig 2; Col 9 Lines 24-33; Col 10 Lines 22-24).

For claim 27, Nomura teaches The image processing apparatus as set forth in claim 26, wherein in response to the command entered at the user interface section corresponding to the first display section, the display state of the second display section is changed to a non- display state (Col 10 Lines 29-33).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung S. Moe can be reached on 571-272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Heather D Gibbs
Examiner
Art Unit 2625

hdg



AUNG S. MOE 4/19/07
SUPERVISORY PATENT EXAMINER